



General Assembly

Substitute Bill No. 388

February Session, 2016

* SB00388PS 031516 *

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES' RECOMMENDATIONS REGARDING THE ADOPTION OF THE STATE BUILDING AND FIRE CODES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-252 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this subsection, "geotechnical" means any geological
4 condition, such as soil and subsurface soil condition, which may affect
5 the structural characteristics of a building or structure. The State
6 Building Inspector and the Codes and Standards Committee shall,
7 jointly, with the approval of the Commissioner of Administrative
8 Services, adopt and administer a State Building Code based on a
9 nationally recognized model building code for the purpose of
10 regulating the design, construction and use of buildings or structures
11 to be erected and the alteration of buildings or structures already
12 erected and make such amendments thereto as they, from time to time,
13 deem necessary or desirable. Such amendments shall be limited to
14 administrative matters, geotechnical and weather-related portions of
15 said code, amendments to said code necessitated by a provision of the
16 general statutes and any other matter which, based on substantial
17 evidence, necessitates an amendment to said code. The code shall be
18 revised [not later than January 1, 2005, and thereafter] as deemed

19 necessary to incorporate any subsequent revisions to the code not later
20 than eighteen months following the date of first publication of such
21 subsequent revisions to the code. The purpose of [said Building Code]
22 the code shall also include, but not be limited to, promoting and
23 ensuring that such buildings and structures are designed and
24 constructed in such a manner as to conserve energy and, wherever
25 practicable, facilitate the use of renewable energy resources, including
26 provisions for electric circuits capable of supporting electric vehicle
27 charging in any newly constructed residential garage in any code
28 adopted after July 8, 2013. [Said Building Code] The code includes any
29 code, rule or regulation incorporated therein by reference.

30 (b) The State Building Inspector shall be appointed by the Governor.
31 [He] Said inspector shall be an architect or professional engineer
32 licensed by the state of Connecticut, shall have a thorough knowledge
33 of building code administration and enforcement and shall have had
34 not less than ten years practical experience in his or her profession.

35 (c) The State Building Inspector or his or her designee may issue
36 official interpretations of the State Building Code, including
37 interpretations of the applicability of any provision of the code, upon
38 the request of any person. [The State Building Inspector] Said inspector
39 shall compile and index each interpretation and shall publish such
40 interpretations at periodic intervals not exceeding four months.

41 (d) The State Building Inspector or his or her designee shall review a
42 decision by a local building official or a board of appeals appointed
43 pursuant to section 29-266 when [he has] there is reason to believe that
44 such official or board has misconstrued or misinterpreted any
45 provision of the State Building Code. If, upon review and after
46 consultation with such official or board, [he] said inspector or a
47 designee determines that a provision of the code has been
48 misconstrued or misinterpreted, [he] said inspector or a designee shall
49 issue an interpretation of said code and may issue any order he or she
50 deems appropriate. Any such determination or order shall be in
51 writing and be sent to such local building official or board by

52 registered mail, return receipt requested. Any person aggrieved by any
53 determination or order by [the State Building Inspector] said inspector
54 under this subsection may appeal to the Codes and Standards
55 Committee [within] not later than fourteen days after mailing of the
56 decision or order. Any person aggrieved by any ruling of the Codes
57 and Standards Committee may appeal in accordance with the
58 provisions of subsection (d) of section 29-266.

59 (e) The adoption of the State Building Code and any amendments
60 thereto shall not be required to comply with the provisions concerning
61 regulation-making proceedings set forth in chapter 54.

62 (f) (1) Prior to the adoption of the State Building Code and any
63 amendments thereto, the Codes and Standards Committee shall post
64 any proposed change in, addition to or repeal of any provision of the
65 State Building Code in a conspicuous place on the Internet web site of
66 the Department of Administrative Services and provide an
67 opportunity for public comment on such proposed change in, addition
68 to or repeal of any provision of the State Building Code.

69 (2) All public comments received prior to the adoption of the State
70 Building Code shall be posted in a conspicuous place on the Internet
71 web site of the Department of Administrative Services.

72 (g) After the adoption of the State Building Code and any
73 amendments thereto by the Codes and Standards Committee and the
74 State Building Inspector, the committee shall compile the proposed
75 changes in, additions to or repeals of the State Building Code and date
76 of approval into one document and post such document in a
77 conspicuous place on the Internet web site of the Department of
78 Administrative Services.

79 (h) The State Building Inspector shall take appropriate steps to
80 advise the public on how to obtain a copy of the State Building Code
81 and any amendments thereto.

82 Sec. 2. Subsection (a) of section 29-254 of the general statutes is

83 repealed and the following is substituted in lieu thereof (*Effective from*
84 *passage*):

85 (a) Any town, city or borough or any interested person may propose
86 amendments to the State Building Code, which proposed amendments
87 may be either applicable to all municipalities or, where it is alleged
88 and established that conditions exist within a municipality which are
89 not generally found within other municipalities, any such amendment
90 may be restricted in application to such municipality. Each
91 amendment to the State Building Code shall be adopted in accordance
92 with the provisions of [chapter 54] section 29-252, as amended by this
93 act.

94 Sec. 3. Subsection (c) of section 29-259 of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective from*
96 *passage*):

97 (c) Regulations or codes made or amended by authority of this
98 section shall [, after a public hearing called for that purpose by the
99 State Building Inspector not less than thirty days before the date of
100 such hearing, be filed by the State Building Inspector with the
101 Secretary of the State in accordance with the provisions of chapter 54
102 and he shall thereafter make copies available to persons having an
103 interest therein] be adopted in accordance with the provisions of
104 section 29-252, as amended by this act.

105 Sec. 4. Section 29-291a of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective from passage*):

107 (a) The State Fire Marshal, in coordination with the [advisory
108 committee] State Fire Prevention Code Advisory Committee
109 established under subsection (b) of this section, shall adopt and
110 administer a State Fire Prevention Code based on a nationally
111 recognized fire prevention code. Said code shall be used to enhance the
112 enforcement capabilities of local fire marshals and for the purposes of
113 prevention of fire and other related emergencies. Said code shall be

114 [adopted not later than October 1, 2008, and shall be revised thereafter]
115 revised as deemed necessary to incorporate any subsequent revisions
116 to the code not later than eighteen months following the date of first
117 publication of such revisions.

118 (b) There is established [an advisory committee] the State Fire
119 Prevention Code Advisory Committee consisting of nine persons
120 appointed by the State Fire Marshal. The State Fire Marshal shall
121 appoint two members selected from a list of individuals submitted by
122 the Codes and Standards Committee from the membership of said
123 committee and seven members representing local fire marshals,
124 deputy fire marshals and fire inspectors selected from a list of
125 individuals submitted by the Connecticut Fire Marshals Association.

126 (c) The State Fire Marshal may issue official interpretations of the
127 State Fire Prevention Code, including interpretations of the
128 applicability of any provision of the code, upon the request of any
129 person. The State Fire Marshal shall compile and index each
130 interpretation and shall publish such interpretations at periodic
131 intervals not exceeding four months.

132 (d) The adoption of the State Fire Prevention Code and any
133 amendments thereto shall not be required to comply with the
134 provisions concerning regulation-making proceedings set forth in
135 chapter 54.

136 (e) (1) Prior to the adoption of the State Fire Prevention Code and
137 any amendments thereto, the State Fire Prevention Code Advisory
138 Committee shall post any proposed change in, addition to or repeal of
139 any provision of the State Fire Prevention Code in a conspicuous place
140 on the Internet web site of the Department of Administrative Services
141 and provide an opportunity for public comment on such proposed
142 change in, addition to or repeal of any provision of the State Fire
143 Prevention Code.

144 (2) All public comments received prior to the adoption of the State

145 Fire Prevention Code shall be posted in a conspicuous place on the
146 Internet web site of the Department of Administrative Services.

147 (f) After the adoption of the State Fire Prevention Code and any
148 amendments thereto by the State Fire Prevention Code Advisory
149 Committee and the State Fire Marshal, the committee shall compile the
150 proposed changes in, additions to or repeals of the State Fire
151 Prevention Code and date of approval into one document and post
152 such document in a conspicuous place on the Internet web site of the
153 Department of Administrative Services.

154 (g) The State Fire Marshal shall take appropriate steps to advise the
155 public on how to obtain a copy of the State Fire Prevention Code and
156 any amendments thereto.

157 Sec. 5. Section 29-292 of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective from passage*):

159 (a) (1) The State Fire Marshal and the Codes and Standards
160 Committee shall adopt and administer a Fire Safety Code and at any
161 time may amend the same. The code shall be based on a nationally
162 recognized model fire code and shall be revised [not later than January
163 1, 2005, and thereafter] as deemed necessary to incorporate advances
164 in technologies and improvements in construction materials and any
165 subsequent revisions to the code not later than eighteen months
166 following the date of first publication of such revisions to the code,
167 unless the State Fire Marshal and the committee certify that a revision
168 is not necessary for such purpose. The [regulations in said code] Fire
169 Safety Code shall provide for reasonable safety from fire, smoke and
170 panic therefrom, in all buildings and areas adjacent thereto except in
171 private dwellings occupied by one or two families and upon all
172 premises, and shall include provision for (A) carbon monoxide
173 detection and warning equipment in (i) new residential buildings not
174 exempt under regulations adopted pursuant to this subsection and
175 designed to be occupied by one or two families for which a building
176 permit for new occupancy is issued on or after October 1, 2005, and (ii)

all public or nonpublic school buildings, and (B) smoke detection and warning equipment in (i) residential buildings designed to be occupied by two or more families, (ii) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (iii) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries.

(2) [Said regulations] The Fire Safety Code shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm.

(3) [Said regulations] The Fire Safety Code shall (A) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such

210 equipment and exemptions for buildings that do not pose a risk of
211 carbon monoxide poisoning due to sole dependence on systems that
212 do not emit carbon monoxide; (B) provide the requirements for testing
213 and inspecting carbon monoxide detection and warning equipment
214 installed in public or nonpublic school buildings and shall include, but
215 not be limited to, the frequency with which such equipment shall be
216 tested and inspected; (C) require that, for a public or nonpublic school
217 building, (i) any carbon monoxide detection equipment installed in
218 any such building meet or exceed Underwriters Laboratories Standard
219 Number 2075, or (ii) any carbon monoxide warning equipment
220 installed in any such building meet or exceed Underwriters
221 Laboratories Standard Number 2034; (D) require the installation and
222 maintenance of such detection or warning equipment to comply with
223 the manufacturer's instructions and with the standards set forth by the
224 National Fire Protection Association; and (E) prohibit, for public and
225 nonpublic school buildings for which a building permit for new
226 occupancy is issued on or after January 1, 2012, the installation of any
227 battery-operated carbon monoxide warning equipment or any plug-in
228 carbon monoxide warning equipment that has a battery as its back-up
229 power source.

230 (b) (1) No certificate of occupancy shall be issued for any residential
231 building designed to be occupied by two or more families, or any new
232 residential building designed to be occupied by one or more families
233 for which a building permit for new occupancy is issued on or after
234 October 1, 1978, unless the local fire marshal or building official has
235 certified that such building is equipped with smoke detection and
236 warning equipment complying with the Fire Safety Code.

237 (2) No certificate of occupancy shall be issued for any (A) new
238 residential building not exempt under [regulations] the Fire Safety
239 Code adopted pursuant to [subsection (a) of] this section and designed
240 to be occupied by one or two families for which a building permit for
241 new occupancy is issued on or after October 1, 2005, or (B) public or
242 nonpublic school building for which a building permit for new

243 occupancy is issued on or after January 1, 2012, unless the local fire
244 marshal or building official has certified that such residential or school
245 building is equipped with carbon monoxide detection and warning
246 equipment complying with the Fire Safety Code.

247 (c) (1) No municipality, local or regional board of education, or
248 supervisory agent of a nonpublic school, and (2) no employee, officer
249 or agent of such municipality, board of education or supervisory agent
250 acting without malice, in good faith and within the scope of his or her
251 employment or official duties shall be liable for any damage to any
252 person or property resulting from the failure to detect carbon
253 monoxide within a public school building, provided carbon monoxide
254 detection equipment is installed and maintained in accordance with
255 the manufacturer's published instructions and with the [regulations
256 established] Fire Safety Code adopted pursuant to this section.

257 (d) The adoption of the Fire Safety Code and any amendments
258 thereto shall not be required to comply with the provisions concerning
259 regulation-making proceedings set forth in chapter 54.

260 (e) (1) Prior to the adoption of the Fire Safety Code and any
261 amendments thereto, the Codes and Standards Committee shall post
262 any proposed change in, addition to or repeal of any provision of the
263 Fire Safety Code in a conspicuous place on the Internet web site of the
264 Department of Administrative Services and provide an opportunity for
265 public comment on such proposed change in, addition to or repeal of
266 any provision of the Fire Safety Code.

267 (2) All public comments received prior to the adoption of the Fire
268 Safety Code shall be posted in a conspicuous place on the Internet web
269 site of the Department of Administrative Services.

270 (f) After the adoption of the Fire Safety Code and any amendments
271 thereto by the Codes and Standards Committee and the State Fire
272 Marshal, the committee shall compile the proposed changes in,
273 additions to or repeals of the Fire Safety Code and date of approval

274 into one document and post such document in a conspicuous place on
275 the Internet web site of the Department of Administrative Services.

276 (g) The State Fire Marshal shall take appropriate steps to advise the
277 public on how to obtain a copy of the Fire Safety Code and any
278 amendments thereto.

279 Sec. 6. Subsection (d) of section 29-313 of the general statutes is
280 repealed and the following is substituted in lieu thereof (*Effective from*
281 *passage*):

282 (d) The Commissioner of Administrative Services shall adopt
283 regulations in accordance with the provisions of [chapter 54
284 prescribing] section 29-291a, as amended by this act, to prescribe
285 requirements and specifications for the installation or use of fire
286 extinguishers and extinguishing agents. Such regulations shall be
287 incorporated into the State Fire Prevention Code. In adopting such
288 regulations, the commissioner may adopt by reference standards
289 concerning the selection, installation, maintenance, design and testing
290 of portable fire extinguishing equipment and extinguishing agents as
291 set forth by the National Fire Protection Association.

292 Sec. 7. Subsection (a) of section 29-317 of the general statutes is
293 repealed and the following is substituted in lieu thereof (*Effective from*
294 *passage*):

295 (a) The Commissioner of Administrative Services shall adopt
296 regulations [.] in accordance with the provisions of [chapter 54,
297 prescribing] section 29-291a, as amended by this act, to prescribe
298 reasonable minimum requirements for the installation of oil burners
299 and equipment used in connection therewith, including tanks, piping,
300 pumps, control devices and accessories. Such regulations shall be
301 incorporated into the State Fire Prevention Code and shall include
302 provisions for the prevention of injury to life and damage to property,
303 and protection from hazards incident to the installation and operation
304 of such oil burners and equipment.

305 Sec. 8. Section 29-320 of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective from passage*):

307 The Commissioner of Administrative Services shall adopt and may
308 amend, reasonable regulations in accordance with the provisions of
309 [chapter 54] section 29-291a, as amended by this act, concerning the
310 safe storage, use, transportation by any mode and transmission by
311 pipeline of flammable or combustible liquids. Such regulations shall be
312 incorporated into the State Fire Prevention Code and shall include
313 provisions for the prevention of damage to property and injury to life,
314 and protection from hazards incident to the storage, use,
315 transportation by any mode and transmission by pipeline of such
316 liquids. The commissioner shall enforce such regulations. Such
317 regulations shall not apply to any electric distribution company or gas
318 company, as such terms are defined in section 16-1.

319 Sec. 9. Subsection (a) of section 29-329 of the general statutes is
320 repealed and the following is substituted in lieu thereof (*Effective from*
321 *passage*):

322 (a) The State Fire Marshal shall adopt regulations, in accordance
323 with the provisions of [chapter 54, prescribing] section 29-291a, as
324 amended by this act, to prescribe reasonable minimum requirements
325 for the installation and operation of gas equipment and gas piping.
326 Such regulations shall be incorporated into the State Fire Prevention
327 Code and shall include provisions for the prevention of injury to life
328 and damage to property and protection from hazards incident to the
329 installation and operation of such gas equipment and piping.

330 Sec. 10. Section 29-331 of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective from passage*):

332 The Commissioner of Administrative Services shall adopt
333 reasonable regulations, in accordance with the provisions of [chapter
334 54] section 29-291a, as amended by this act, concerning the safe
335 storage, use, transportation by any mode and transmission by pipeline

336 of liquefied petroleum gas. Regulations concerning safe storage shall
337 specify standards to ensure maximum security against unauthorized
338 entry into storage areas where liquefied petroleum gas or liquefied
339 natural gas is stored. Such regulations shall be incorporated into the
340 State Fire Prevention Code and shall include provisions for the
341 prevention of damage to property and injury to life, and protection
342 from hazards incident to the storage, use, transportation by any mode
343 and transmission by pipeline of such gas, with particular reference to
344 the design, construction, location and operation of liquefied petroleum
345 gas installations. Such regulations shall not apply to any electric
346 distribution company or gas company, as such terms are defined in
347 section 16-1.

348 Sec. 11. Section 29-337 of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective from passage*):

350 The Commissioner of Administrative Services shall adopt
351 reasonable regulations in accordance with the provisions of [chapter
352 54] section 29-291a, as amended by this act, concerning the safe
353 storage, transportation by any mode and transmission by pipeline of
354 hazardous chemicals. Such regulations shall be incorporated into the
355 State Fire Prevention Code and may adopt by reference standards as
356 set forth in the Code of Federal Regulations Title 49, Parts 100 through
357 199, as amended, and include provisions for the prevention of damage
358 to property and injury to life, and protection from hazards incident to
359 the storage, transportation by any mode and transmission by pipeline
360 of such chemicals.

361 Sec. 12. Section 29-309 of the general statutes is repealed and the
362 following is substituted in lieu thereof (*Effective from passage*):

363 The Codes and Standards Committee shall establish a procedure
364 whereby any person determined to have the right to appeal may
365 appeal a decision of the local fire marshal or State Fire Marshal relating
366 to the enforcement of any provision of the general statutes concerning
367 the Fire Safety Code not more than thirty days after the receipt of

368 notice of the decision by the person aggrieved by such decision. Such
 369 procedure shall include the committee and shall be established in
 370 accordance with the provisions of [chapter 54] section 29-292, as
 371 amended by this act. Any person aggrieved by a decision made in
 372 accordance with such procedure may appeal therefrom to the superior
 373 court for the judicial district wherein the premises concerned are
 374 located.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-252
Sec. 2	<i>from passage</i>	29-254(a)
Sec. 3	<i>from passage</i>	29-259(c)
Sec. 4	<i>from passage</i>	29-291a
Sec. 5	<i>from passage</i>	29-292
Sec. 6	<i>from passage</i>	29-313(d)
Sec. 7	<i>from passage</i>	29-317(a)
Sec. 8	<i>from passage</i>	29-320
Sec. 9	<i>from passage</i>	29-329(a)
Sec. 10	<i>from passage</i>	29-331
Sec. 11	<i>from passage</i>	29-337
Sec. 12	<i>from passage</i>	29-309

Statement of Legislative Commissioners:

In Section 4(e)(1), "Building" was changed to "Fire Prevention" for accuracy.

PS *Joint Favorable Subst. -LCO*